SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
VAN NUYS COURTHOUSE

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

KEVIN PERELMAN,
Defendant In Pro Per,

Case No. LA099813

DEFENDANT KEVIN PERELMAN'S MOTION TO DISMISS PURSUANT TO PENAL CODE SECTION 1385 IN FURTHERANCE OF JUSTICE; OR, IN THE ALTERNATIVE, REQUEST TO STRICTLY LIMIT RESENTENCING TO THE SCOPE OF THE APPELLATE REMAND

Date: To be assigned by Court
Time: To be assigned by Court
Dept.: To be assigned by Court
Judge: Hon. _____

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NOTICE OF MOTION AND MOTION

TO THE COURT, THE DISTRICT ATTORNEY, AND ALL PARTIES:

PLEASE TAKE NOTICE that Defendant Kevin Perelman will and hereby does move this Court for an order dismissing this matter pursuant to Penal Code section 1385 in furtherance of justice. The motion shall be heard on a date, at a time, and in a department to be assigned by the Court, or as soon thereafter as the matter may be heard.

In the alternative, if the Court declines dismissal, Defendant requests that resentencing be strictly limited to the scope of the appellate remand, including correction of the sentencing structure, application of all custody credits, recognition of time served, recognition of supervision already completed, and determination of any lawful remaining sentence, if any.

Defendant further requests that the Court exclude or disregard unrelated post-judgment allegations, police-contact narratives, hearsay, community-fear claims, mental-health speculation, character attacks, courthouse rumor, informal LAPD opinions, renewed dangerousness arguments, or new alleged conduct unless such material is properly noticed, supported, authenticated, legally relevant, and subject to a meaningful opportunity to respond.

This motion is not a request for mental-health evaluation, competency proceedings, psychiatric intervention, CARE Act referral, mental-health diversion, or any treatment-

related proceeding. Defendant raises the mental-health-labeling issue for the opposite reason: to object to unsupported mental-health speculation being used as a credibility weapon, character attack, or substitute for admissible evidence.

This motion is based on this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the Declaration of Kevin Perelman, the record in this case, the appellate remand, the probation materials, and any attached exhibits.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant Kevin Perelman respectfully moves this Court to dismiss this matter pursuant to Penal Code section 1385 in furtherance of justice.

Nothing in this motion is intended as an admission of guilt, liability, malice, intent, unlawful conduct, probation violation, victim contact, restitution noncompliance, vandalism, property damage, or any uncharged allegation. Defendant raises these issues to explain omitted defense context, the incompleteness of the record, the need for reliable evidence, and why dismissal or strictly limited resentencing is warranted.

This was not, from Defendant's perspective, an isolated vandalism case involving a single neutral victim and a single event. Defendant contends that the charged allegations arose from a prolonged and growing pattern of pressure that existed before trial, continued during trial, and continued after sentencing. That pattern included alleged daily provocation, property-related incidents, vehicle vandalism, harassment, defacing, threats, instigation, witness hostility, selective reporting, police non-response, financial pressure, and recurring efforts to portray Defendant through unsupported dangerousness, mental-health, and public-nuisance labels when he attempted to explain or report what was happening.

Defendant contends that the magnitude of the alleged conduct was central to the defense. This was not a situation where Defendant simply claimed to be sensitive, annoyed, or offended by ordinary neighborhood conflict. Defendant contends that he was subjected to continuing pressure and repeated provocation that he could not realistically avoid, could not safely confront, and could not meaningfully report without those reports being discounted or turned against him. Defendant contends that the alleged conduct interfered with ordinary daily life, use of his residence and property, access to public places, ability to document events, ability to seek help through normal channels, and ability to avoid further accusations.

Defendant further contends that the alleged pattern was not accidental. From Defendant's perspective, different people played different roles at different times: provoking, reporting,

repeating labels, omitting their own conduct, creating fear narratives, contacting police, pressuring Defendant financially, or using alleged reactions attributed to Defendant as proof of the same negative labels that had already been placed on him. Defendant contends that Scroggins was used as part of this larger pattern, not merely as an ordinary complaining witness. Defendant contends that Scroggins's conduct before, during, and after trial must be evaluated in that context.

Defendant does not ask this Court to find that every resident, witness, police officer, courthouse-connected person, or community participant acted improperly. The narrower issue is whether the defense was given a meaningful opportunity to investigate and present whether repeated reports, fear narratives, police contacts, and community-based characterizations were independent and reliable, or whether they reflected bias, repeated communications, selective reporting, provocation, unsupported mental-health labeling, or efforts to obtain accusations, confrontations, or alleged reactions that could later be used against Defendant.

Defendant contends that the jury and sentencing court were never given the information necessary to fairly evaluate the true magnitude of the alleged provocation and pressure. The prosecution's theory was presented as an isolated event, while the defense theory required a broader factual record showing why the allegations arose, whether they were preceded or surrounded by provocation, whether the complaining witnesses were credible, whether police non-response distorted the record, whether the prosecution could fairly prove malice when the allegations are viewed in full context, and whether the conduct alleged by the prosecution was malicious when viewed in full context.

The central fairness problem is that Defendant contends he was placed in an impossible position. If he remained silent, the alleged conduct continued and the official record remained one-sided. If he reported the conduct, his reports were allegedly discounted through unsupported mental-health, dangerousness, or public-nuisance labels. If an accusation, confrontation, or alleged reaction occurred, it could be isolated from context and used as proof that he was dangerous, unstable, or malicious. Defendant contends that this loop made the defense practically unwinnable as the case was framed, tried, and instructed.

Defendant raises these facts to explain state of mind, malice, provocation, witness credibility, police non-response, ineffective assistance of counsel, and sentencing fairness — not to request or invite any mental-health evaluation, diagnosis, treatment order, competency inquiry, diversion proceeding, or psychiatric intervention.

This motion does not ask the Court to authorize property damage, excuse unlawful conduct, or treat provocation as a complete defense. Defendant does not admit the prosecution's allegations. The issue is different: Defendant contends that the case was framed, tried, and sentenced in a way that prevented the jury and Court from fairly evaluating the full context relevant to witness motive, witness credibility, police non-response, state of mind, absence of malice, mitigation, and sentencing fairness.

Defendant further contends that unsupported labels portraying him as unstable, dangerous, mentally ill, or a public nuisance were used to discredit him and to discount his complaints. This created a one-sided record: accusations against Defendant were documented and treated as reliable, while Defendant's complaints, evidence, videos, and explanations were minimized, omitted, or filtered through unsupported assumptions.

This motion does not ask the Court to retry the case or decide every disputed factual event. It asks the Court to exercise its discretion under Penal Code section 1385 because the conviction and sentence rest on a record that Defendant contends was materially incomplete, one-sided, and unreliable.

If dismissal is denied, Defendant requests that resentencing be strictly limited to the appellate remand. The Court should correct only the sentencing structure required by the remand, apply all lawful credits, recognize time served and supervision already completed, and reject any attempt to expand resentencing through unrelated allegations, unsupported dangerousness claims, mental-health speculation, courthouse rumor, police-contact narratives, or post-judgment disputes not properly noticed, disclosed, supported, and subject to response.

II. PROCEDURAL BACKGROUND, APPEAL, AND INEFFECTIVE ASSISTANCE CONTEXT

Defendant was convicted in Los Angeles Superior Court case number LA099813.

On November 14, 2024, Defendant was sentenced on Count 002, felony vandalism, under Penal Code section 1170(h), and Count 003, misdemeanor vandalism.

The Court of Appeal reversed and remanded for resentencing because the original sentencing structure was legally defective.

The remand concerns sentencing structure. It was not a remand for retrial, dangerousness reassessment, mental-health evaluation, competency proceedings, psychiatric commitment proceedings, mental-health diversion, CARE Act proceedings, or new litigation of unrelated alleged conduct.

Defendant now appears before this Court for resentencing following the successful appeal. Defendant requests dismissal in furtherance of justice. Alternatively, Defendant requests

that the Court correct the sentence narrowly, apply all credits and time served, recognize completed supervision, and impose no additional punitive consequences.

Defendant contends that the appeal corrected an important sentencing-structure problem, but did not resolve the deeper fairness problem. Defendant contends that the core issue was ineffective assistance of counsel at trial and on appeal: the defense was never meaningfully developed around the actual facts Defendant was trying to present.

Defendant contends that trial counsel failed to investigate, organize, authenticate, and present the evidence necessary to show the magnitude of the alleged daily provocation, attacks, instigation, threats, vehicle vandalism, reporting pattern, police non-response, witness motive, and setup-like conduct Defendant says preceded the charged allegations.

Defendant further contends that trial counsel failed to meaningfully question witnesses about whether they communicated with each other, coordinated reports, repeated labels, participated in resident-reporting or neighborhood-watch-type activity, or acted together to pressure Defendant out of places he lived, visited, or attempted to function in ordinary life.

Defendant contends that this was not merely a habeas issue in the abstract. Habeas corpus remains important because some facts require development outside the appellate record. But the more immediate point for purposes of this motion is ineffective assistance of counsel: trial counsel failed to create the factual record, and appellate counsel did not meaningfully challenge or develop that failure.

Defendant contends that appellate counsel also failed to meaningfully raise the broader ineffective-assistance issues, including trial counsel's failure to develop witness motive, witness coordination, police non-response, daily provocation, available video evidence, Officer Dinse issues, courthouse-contamination concerns, unsupported mental-health labeling, and the jury-instruction problem that made the defense practically unwinnable as presented.

Defendant does not ask this Court to fully adjudicate every ineffective-assistance claim through this 1385 motion. Some issues may require habeas corpus factual development. However, the ineffective-assistance issues remain directly relevant to Penal Code section 1385 because they explain why the trial and sentencing record was incomplete, why the defense theory was never presented as a coherent whole, and why the interests of justice support dismissal or, at minimum, a strictly limited resentencing.

III. LEGAL STANDARD UNDER PENAL CODE SECTION 1385

Penal Code section 1385 authorizes a court to dismiss an action in furtherance of justice.

In exercising that discretion, the Court may consider the constitutional fairness and reliability of the proceedings, the interests of justice, proportionality, mitigation, sentencing fairness, and whether continued punishment serves a legitimate purpose. See People v. Superior Court (Romero), 13 Cal.4th 497 (1996); People v. Williams, 17 Cal.4th 148 (1998); People v. Orin, 13 Cal.3d 937 (1975).

This motion is based on cumulative unfairness. Even if the Court does not find that any single issue independently requires dismissal, the combined effect of omitted evidence, failure to impeach, narrow legal framing, unsupported psychological labeling, police/community influence, counsel omissions, sentencing irregularities, courthouse-bias concerns, probation-report problems, appellate-record limitations, and prejudicial narratives supports dismissal in furtherance of justice.

At minimum, these same factors support the least punitive lawful resentencing outcome and a strict order limiting the resentencing hearing to the appellate remand.

IV. THE PROLONGED DAILY PROVOCATION, PRESSURE, AND SETUP PATTERN WAS THE FOUNDATION OF THE DEFENSE

Defendant contends that the most important factual issue was the magnitude of the daily provocation and pressure directed at him. Defendant contends that this was not ordinary conflict, ordinary criticism, or ordinary neighborhood friction. Defendant contends that the conduct directed at him was prolonged, repeated, escalating, and designed to isolate Defendant, provoke accusations, confrontations, or claimed reactions, generate reports, and create a one-sided record that could later be used against him.

Nothing in this section is intended as an admission of guilt, liability, malice, intent, unlawful conduct, probation violation, victim contact, restitution noncompliance, vandalism, property damage, or any uncharged allegation. Defendant raises these facts to explain omitted defense context, witness credibility, witness motive, police non-response, ineffective assistance of counsel, the prosecution's burden to prove malice, and sentencing fairness.

Defendant contends that this issue was especially important because Officer Charles Sean Dinse was involved in or connected to multiple arrests, reports, or proceedings involving Defendant. Defendant contends that Dinse was not merely a neutral officer responding to isolated calls, but a central figure in the police/community reporting pattern that repeatedly portrayed Defendant through unsupported dangerousness, mental-health, and public-nuisance labels.

Defendant further contends that trial counsel should have investigated publicly available materials, social-media activity, internet commentary, anti-homeless or neighborhood-

enforcement discussions, prior complaints, federal litigation, and the Rex Schellenberg matter to determine whether they showed a recurring pattern relevant to Officer Dinse's credibility, bias, motive, community influence, provocation-related conduct, and use of resident-reporting activity to create arrests or official records without fairly investigating the accused person's complaints.

Defendant does not ask the Court to accept every outside allegation concerning Officer Dinse as proven in this motion. The narrower point is that counsel should have investigated whether those materials, if authenticated and admissible, supported impeachment, officer-bias evidence, motive evidence, police-community influence evidence, or evidence that reports involving Defendant were being shaped by a recurring enforcement pattern rather than neutral investigation.

Defendant contends that the pattern directed at him included daily or near-daily provocation, property interference, vehicle vandalism, defacing, threats, intimidation, stalking-group conduct, hostile encounters, financial pressure, false or misleading reports, laughter or mockery during provocation, and repeated efforts to create new accusations when prior accusations did not produce the desired result.

Defendant contends that the pattern was functionally unavoidable because it occurred at or near his residence, vehicles, property, community environment, public locations, and ordinary places he needed to go. Defendant contends that he could not simply "walk away" from conduct that followed him into daily life and affected his use of his residence, movement in public places, ability to preserve evidence, ability to seek help through ordinary channels, and ability to avoid further accusations.

Defendant raises these facts to explain omitted context, state of mind, provocation, witness credibility, witness motive, police non-response, ineffective assistance of counsel, the prosecution's burden to prove malice, and sentencing fairness, not to request or invite any mental-health evaluation, diagnosis, treatment order, competency inquiry, diversion proceeding, or psychiatric intervention.

Defendant contends that this magnitude mattered legally. The jury and sentencing court needed to understand whether the prosecution's allegations arose from an isolated dispute or from a prolonged pattern of conduct that made ordinary avoidance impossible. That evidence was relevant to intent, malice, state of mind, witness credibility, witness motive, provocation, mitigation, police non-response, and whether the prosecution could fairly prove malice when the allegations were viewed in full context.

Defendant does not contend that provocation automatically authorizes vandalism or property damage. Defendant does not admit the prosecution's allegations. The point is that

provocation and pressure were central to evaluating malice, credibility, motive, and sentencing fairness. If the conduct directed at Defendant was daily, escalating, unavoidable, and designed to generate accusations, confrontations, or claimed reactions, then the jury and sentencing court could not fairly evaluate the case by isolating the prosecution's allegations from the broader pattern Defendant contends preceded and surrounded them.

Defendant further contends that this pattern created a record-building loop. Persons involved in the pattern could provoke, instigate, threaten, damage property, repeat labels, or create confrontations, then report accusations or claimed reactions while omitting the conduct that preceded them. Any claimed reaction attributed to Defendant could then be treated as proof that Defendant was unstable, dangerous, irrational, mentally ill, or malicious. Defendant contends that this process turned provocation and selective reporting into official-looking evidence against him.

Defendant contends that Scroggins was used as part of this pattern. Defendant does not raise this point as speculation about motive alone. Defendant contends that Scroggins's conduct before trial, during trial, and after sentencing shows why he was not merely a neutral complaining witness. Defendant contends that the defense should have investigated and presented whether Scroggins functioned as a pressure point or instrument through which others could continue provoking Defendant, generating accusations, and reinforcing the dangerousness narrative.

Defendant also contends that Officer Dinse's role and motive should have been investigated in this context. Defendant contends that Dinse's conduct included reinforcing community hostility, encouraging or benefiting from resident-reporting activity, allowing fear-based or hostility-based group dynamics to provoke Defendant into accusations, confrontations, or claimed reactions, and treating Defendant's complaints differently from complaints made against him.

Defendant contends that this issue was not peripheral because Dinse was connected to the broader pattern surrounding Defendant's arrests and the narrative used against him. Defendant contends that counsel should have investigated whether Dinse functioned as a central police figure in the reporting-and-labeling loop, and whether his conduct, prior public allegations, litigation history, online activity, community contacts, or anti-homeless enforcement-related materials bore on officer bias, motive, credibility, and the reliability of the reports used against Defendant.

Without this evidence, the prosecution's isolated-event narrative became misleading. The jury could see the prosecution's allegations, but not the daily pressure Defendant contends

preceded and surrounded those allegations. The Court could see a sentencing record portraying Defendant as dangerous or unstable, but not the setup-like conduct, police non-response, witness motives, and officer-influence issues that Defendant contends created the record.

For purposes of Penal Code section 1385, the Court should consider that the record did not fairly present the scale, persistence, and functional impact of the provocation, reporting pattern, and police/community influence. Defendant contends that this omission was not minor. It went to the foundation of the defense.

V. THE JURY-INSTRUCTION FRAMEWORK MADE THE DEFENSE PRACTICALLY UNWINNABLE AS PRESENTED

Defendant contends that the jury-instruction framework created a central fairness problem. Even if the jury had heard more of the defense evidence, the case still may have been practically unwinnable as presented because the ordinary self-defense framework did not fit the situation Defendant was trying to explain.

Traditional self-defense focuses on an immediate threat and an immediate defensive response. Defendant's position was different. Defendant contends that he was under prolonged, daily, unavoidable pressure involving provocation, threats, vehicle vandalism, property interference, instigation, police non-response, selective reporting, and repeated efforts to generate accusations, confrontations, or alleged reactions. Defendant contends that this type of ongoing pressure did not fit neatly within a standard immediate-threat instruction, even though it was essential to evaluating state of mind and whether the prosecution could fairly prove malice when the allegations were viewed in full context.

Nothing in this section is intended as an admission of guilt, liability, malice, intent, unlawful conduct, probation violation, victim contact, restitution noncompliance, vandalism, property damage, or any uncharged allegation.

Defendant does not contend that ordinary jury instructions are unconstitutional in every case. Defendant also does not contend that self-defense automatically authorizes vandalism. The problem is narrower: as this case was framed, tried, and instructed, the jury was not given a workable way to evaluate the actual defense theory.

The jury could be told that Defendant was under continuing pressure, but still be told that the pressure did not amount to legal self-defense because there was no immediate threat at the precise moment required by the standard instruction. At the same time, if the broader context was not presented, the conduct alleged by the prosecution could appear irrational, malicious, or unprovoked. That created the no-win problem. Defendant could not rely on ordinary self-defense, but without the broader evidence the jury could not fairly

evaluate intent, malice, provocation, witness motive, credibility, state of mind, or mitigation.

Defendant contends that this was not a technical flaw only. It went to the heart of the case. If a person is subjected to repeated smaller acts, daily provocation, threats, property interference, vandalism, monitoring, humiliation, selective reporting, and pressure designed to generate accusations, confrontations, or claimed reactions, a later accusation can be isolated and prosecuted while the surrounding pattern remains outside the legal framework given to the jury. Defendant contends that this created a practical loophole in the trial framework.

That loophole allowed the conduct of others to be treated as background noise while the conduct alleged against Defendant was treated as the only legally meaningful event. Defendant contends that this made the case impossible to fairly defend unless counsel developed the surrounding evidence as relevant to malice, intent, motive, witness bias, credibility, provocation, police non-response, and reasonable doubt.

Defendant contends trial counsel failed to do that. Counsel did not meaningfully build the defense around the unavoidable and continuing pressure Defendant contends he was under. Counsel did not meaningfully develop the daily provocation evidence, the vehicle-vandalism evidence, the witness-motive evidence, the police-non-response evidence, the Dinse-related evidence, the Scroggins-related evidence, or the evidence showing why the prosecution's allegations could not fairly be evaluated as an isolated event.

Defendant further contends that appellate counsel did not meaningfully challenge this failure. The direct appeal corrected a sentencing-structure problem, but did not cure the deeper issue: the jury never received a coherent legal and factual framework for evaluating the real defense.

Defendant raises these facts to explain state of mind, malice, provocation, witness credibility, police non-response, ineffective assistance of counsel, and sentencing fairness — not to request or invite any mental-health evaluation, diagnosis, treatment order, competency inquiry, diversion proceeding, or psychiatric intervention.

For purposes of Penal Code section 1385, this Court does not need to rewrite jury-instruction law or decide every factual dispute. The Court need only recognize that the case was tried and sentenced on a record that did not give the jury a meaningful way to evaluate the defense theory. Defendant contends that this supports dismissal in furtherance of justice, or at minimum a strictly limited resentencing that does not expand punishment based on the same incomplete and misleading record.

VI. UNSUPPORTED MENTAL-HEALTH LABELING WAS USED AS A CREDIBILITY WEAPON

Defendant does not raise this issue to request, invite, or suggest any mental-health evaluation, competency inquiry, CARE Act referral, treatment proceeding, psychiatric intervention, or diversion proceeding.

Defendant raises this issue for the opposite reason: to object to unsupported mental-health labeling being used as a substitute for evidence, credibility analysis, impeachment, and lawful sentencing factors.

There has been no proper court finding, expert testimony, psychiatric evaluation admitted into evidence, or lawful evidentiary basis establishing that mental-health speculation is relevant to resentencing. Defendant therefore requests that the Court disregard unsupported mental-health labels, informal characterizations, courthouse rumor, community speculation, and non-expert opinions.

Defendant contends that one of the central fairness problems in this case is that his alleged reactions were treated as evidence of instability, dangerousness, mental illness, or public-nuisance behavior, while the long-term pattern of provocation, harassment, property interference, threats, vandalism, and police non-response was not meaningfully presented.

This created a constitutional trap. If Defendant attempted to explain the long-term pattern, the explanation risked being mischaracterized as mental illness, dangerousness, instability, or nuisance behavior. But if Defendant did not explain that history, the jury was left with an isolated act stripped of the context necessary to evaluate motive, intent, credibility, witness bias, provocation, and state of mind.

The law should not permit a defendant to be portrayed as unstable or dangerous while the evidence explaining the source of the conflict is excluded, minimized, or never meaningfully developed. Nor should unsupported psychological labeling, public-nuisance framing, or generalized fear narratives substitute for proof.

Defendant contends that the issue is not whether he has any mental-health condition. The issue is whether unsupported mental-health labels, dangerousness claims, and public-nuisance characterizations were used to discredit him, discount his reports, prevent meaningful investigation, and substitute for evidence.

This issue is especially important at resentencing. If the prosecution attempts to argue that Defendant is dangerous, unstable, mentally ill, or in need of custody based on generalized fear or unsupported characterizations, the Court should require proper notice, foundation, admissible evidence, and a meaningful opportunity to respond.

Defendant requests that the Court reject any attempt to convert this motion into a mental-health proceeding. Defendant raises the labeling issue because unsupported speculation should not be used against him, not because Defendant seeks diagnosis, treatment, diversion, competency proceedings, or any psychiatric intervention.

VII. WITNESS BIAS, PROVOCATION, AND IMPEACHMENT WERE NOT MEANINGFULLY DEVELOPED

Defendant contends that omitted evidence would have shown a recurring and continuing pattern of provocation, property interference, vehicle vandalism, defacing, harassment, stalking, threats, intimidation, physical confrontations, and instigation designed to produce accusations, confrontations, reports, or claimed reactions that could then be reported to police and used as a basis for arrest, prosecution, supervision, increased punishment, or mental-illness labeling.

This evidence was critical because the prosecution presented its allegations in isolation, while the defense did not meaningfully present the repeated triggering conduct that preceded and surrounded the prosecution's allegations.

Defendant contends that the defense should have investigated and impeached complaining witnesses and other witnesses concerning their own conduct, communications, motives, financial interests, reporting history, provocation, selective reporting, and participation in the events surrounding Defendant.

Relevant areas included whether witnesses had intentionally provoked Defendant, attempted to obtain accusations, confrontations, or claimed reactions, participated in conduct directed toward Defendant's property or vehicles, discussed Defendant with residents or police before making reports, repeated unsupported labels about Defendant, omitted their own conduct when reporting Defendant, or claimed fear while engaging in conduct inconsistent with fear.

Defendant further contends that video evidence showed certain witnesses presenting themselves as fearful of Defendant while also yelling at him, making threats, confronting him, asserting control over areas of the complex, or otherwise engaging him in ways that should have been tested against the claimed fear narrative.

For example, Defendant contends that video evidence included statements to the effect that Defendant was "not allowed" on a particular side of the complex, along with hostile or threatening conduct directed toward him. Defendant contends that this evidence was relevant not to ridicule any witness, but to test whether the witness's claimed fear was genuine, complete, or presented without the surrounding context.

Defendant does not contend that every witness necessarily engaged in such conduct. The issue is that the defense was not given a meaningful opportunity to investigate, develop, and test these questions through discovery, impeachment, cross-examination, witness examination, or presentation of contrary evidence.

Accordingly, the omitted impeachment and contextual evidence was not collateral. It was central to whether the prosecution witnesses were credible, whether the prosecution could fairly prove malice, whether the narrative presented to the jury was complete, and whether the conviction and sentence can fairly stand.

VIII. POLICE NON-RESPONSE AND ONE-SIDED RECORD CREATION DISTORTED THE CASE

Defendant contends that the record was distorted by law-enforcement non-response and failure to meaningfully document Defendant's complaints.

Defendant contends that he repeatedly attempted to report harassment, vehicle vandalism, property interference, threats, stalking, provocation, and witness-related conduct, but that police either refused to take reports, refused to treat the complaints seriously, or failed to meaningfully investigate them.

Defendant further contends that this non-response was influenced by informal and unsupported mental-health labeling that was never established by a court finding, psychiatric evaluation, expert testimony, or admissible evidence.

This issue is central to the fairness of the proceedings. If Defendant's complaints were ignored, minimized, or undocumented while complaints against Defendant were accepted and prosecuted, then the resulting record would naturally appear one-sided. The jury and sentencing court would see reports portraying Defendant as the problem, while missing the reports, attempted reports, or underlying events showing Defendant's efforts to seek protection and document provocation.

This also bears directly on state of mind, witness credibility, motive, provocation, absence of malice, and mitigation. A person repeatedly subjected to property interference, vehicle vandalism, threats, stalking, and provocation, while being unable to obtain meaningful police assistance, may have a different state of mind and perception of events than a person involved in a single isolated dispute.

Defendant does not ask the Court to decide every disputed police-contact issue in this motion. Defendant raises this issue because police non-response and failure to document complaints contributed to the incomplete and one-sided record.

IX. OFFICER DINSE, COURTHOUSE-CONTAMINATION CONCERNS, AND APPEARANCE OF BIAS CONTRIBUTED TO THE UNRELIABLE RECORD

Defendant contends that Officer Charles Sean Dinse's credibility, bias, influence, and connection to the broader police/community narrative were material to the case.

Defendant further contends that, at sentencing, the prosecution presented or relied upon an allegation that Defendant had followed Officer Dinse home and photographed him. Defendant disputes that allegation and contends that it was false, materially misleading, or presented without adequate factual foundation.

Defendant contends that this allegation was especially prejudicial because it reversed the issue Defendant had been trying to raise. Defendant's concern was whether Officer Dinse's credibility, bias, influence, and role in police/community reporting should have been investigated and tested. Instead, the allegation made it appear that Defendant was improperly targeting Officer Dinse.

Defendant further contends that discovery and impeachment concerning Officer Dinse were material. Defendant understands that trial counsel sought Pitchess discovery as to Officer Dinse, but the request was denied as to him while discovery was granted as to Detective Ruiz. Defendant contends that the denied or undeveloped Pitchess issue mattered because Officer Dinse's conduct, credibility, prior complaints, statements, and relationship to the broader police/community narrative were relevant to whether allegations involving Defendant were being fairly investigated, accurately reported, or used to create an unsupported dangerousness narrative.

Defendant also contends that the fairness of the proceedings was undermined by courthouse-contamination and appearance-of-bias concerns involving Van Nuys court reporter Debbie Wollman. Defendant contends that Ms. Wollman had a personal or property-related connection to Defendant outside the courtroom, including property adjoining Defendant's residence and communications connected to residential, parking, or property issues.

Defendant further contends that Ms. Wollman made statements outside any lawful evidentiary process suggesting that Defendant needed to admit he suffered from mental illness. Defendant contends that this interaction was captured on video. Defendant raises this issue because a courthouse-connected person with a personal/property-related connection repeated the same unsupported mental-health narrative that appeared elsewhere in the case.

Defendant contends that these issues also supported a change-of-venue, reassignment, disqualification, or courthouse-contamination inquiry. Defendant contends that the

labeling and courthouse-connected perceptions surrounding him contributed to a jaded judicial environment at the Van Nuys Courthouse and affected his ability to receive fair proceedings based on evidence rather than unsupported labels.

Defendant does not ask this Court to decide every disputed event concerning Officer Dinse or Ms. Wollman through this motion. The narrower point is that unresolved officer-bias, credibility, courthouse-contamination, informal-labeling, venue, and appearance-of-bias issues contributed to an incomplete and potentially unreliable record.

X. JUDICIAL INTIMIDATION, ONE-SIDED INFORMATION, AND COURTROOM-CONTACT CONCERNS

Defendant contends that several events during the proceedings created concerns about neutrality, fair procedure, and the appearance that adverse information was handled differently from Defendant's own evidence, explanations, and requests for protection.

At the preliminary-hearing stage, Judge Stephen Marcus allegedly made a statement to the effect of: "My next step would be to squeeze you out of your house."

Defendant contends that this statement followed an informal effort by the prosecution to bring allegedly adverse information before the Court outside a noticed charge, motion, or evidentiary hearing. Defendant contends that disputed and untested material was allegedly used to strengthen a broader narrative created through LAPD contacts, neighborhood-watch-type reporting, resident complaints, and unsupported labels, while Defendant was required to respond without ordinary procedural safeguards.

Defendant does not ask this Court to determine the personal motive of Judge Marcus, prosecutor Inga Orbelli, or any other participant based on a single statement or event. The concern is the cumulative appearance created by the sequence: disputed and untested information was presented informally; prosecutors and probation materials allegedly reinforced outside police/community narratives; Defendant was required to respond to adverse claims without ordinary procedural safeguards; Defendant's contrary evidence was not meaningfully developed; and the resulting comments, arguments, and sentencing materials appeared to support residential displacement, punitive supervision, and broader exclusion from the community.

Defendant further contends that, on a trial day, the prosecutor informed defense counsel that a person identifying himself or herself as an FBI agent wanted to speak with Defendant. Defendant contends that defense counsel responded that Defendant did not wish to speak at that time. Defendant did not speak with the person.

Defendant does not contend that this event alone requires dismissal, nor does he ask the Court to find without evidence that the person was not actually an FBI agent. Defendant contends that the event was significant because of its timing, location, and the manner in which it was presented. According to Defendant, the request occurred on a trial day, came through the prosecution or a prosecution-connected channel, and involved an attempted contact with Defendant while he was represented by counsel.

Defendant contends that the attempted contact was inappropriate or, at minimum, highly concerning because Defendant was not supposed to communicate directly with the prosecution or prosecution-connected persons about matters connected to the pending case. Defendant further contends that he was not provided identification, an explanation of the person's purpose, the agency connection, the reason for the timing of the contact, or disclosure of any report or communication generated from the attempted contact.

Defendant contends that, in context, the event reasonably appeared either intimidating, investigative, or directed at obtaining information from Defendant outside ordinary court procedures and outside the protections of counsel. Defendant does not ask the Court to decide the person's motive in this motion. The narrower point is that the timing, source, lack of disclosure, and attempted contact with a represented defendant created a serious appearance-of-fairness concern.

XI. SENTENCING DUE PROCESS, PROBATION MATERIALS, AND OUTSIDE CLAIMS

Defendant contends that sentencing was affected by due-process problems because he was not given a meaningful opportunity to review, correct, or challenge probation reports, sentencing materials, outside claims, hearsay allegations, witness statements, or false accusations.

Defendant contends there was no meaningful probation interview or meaningful chance to present mitigation, context, corrections, or supporting records before sentencing. Defendant further contends that trial counsel did not meaningfully explain that Defendant could dispute, correct, supplement, or object to probation-report claims before sentencing, and did not meaningfully prepare or submit Defendant's version, corrections, exhibits, video evidence, police-report attempts, mitigation, or contextual information in response.

Defendant contends that the probation report included negative characterizations, victim statements, mental-health speculation, restitution claims, and sentencing recommendations without Defendant's version being meaningfully included or tested.

Defendant challenges the use of victim-impact statements in this case to the extent they went beyond impact and loss and included lay opinions about Defendant's mental health,

dangerousness, character, and whether he should be removed from the community or institutionalized. Defendant contends that such opinions were not facts, were not clinical evidence, and were not reliable proof of future dangerousness. They should not have been treated as trial or sentencing information without a meaningful opportunity to challenge their source, accuracy, motive, context, and evidentiary foundation.

Defendant further contends that after sentencing, Terrance Scroggins placed approximately eleven letters on Defendant's vehicle stating that Defendant was not paying restitution, despite Defendant's understanding that any restitution process was being handled through the court or lawful collection process. Defendant contends that these communications were not neutral, but were derogatory, instigating, coercive, inflammatory, threatening, or reaction-seeking.

Defendant further contends that Scroggins also drove to Defendant's father's office and delivered a letter there, bringing Defendant's family into the dispute and increasing pressure outside the court process.

Defendant does not ask the Court to decide every disputed post-sentencing or probation issue through this motion. The narrower point is that later outside claims should not be accepted at face value or used to increase punishment unless they are properly noticed, authenticated, supported by reliable evidence, and subject to response.

Defendant further contends that the first two alleged probation check-ins were recorded for dates when Defendant was still in custody. Defendant requests that the Court compare the alleged missed-check-in dates with the applicable booking, custody, release, court-minute, and probation records. If those dates occurred before Defendant's release, the entries should be corrected or disregarded and should not be treated as evidence of noncompliance, disregard of court orders, poor performance on supervision, or a basis for increased punishment.

At resentencing, the Court should not rely on any probation, police, community, or witness statement unless Defendant receives meaningful notice, disclosure of the underlying material, and a fair opportunity to identify factual errors, submit records, and respond.

XII. APPELLATE COUNSEL AND HABEAS-RESERVED ISSUES

Defendant contends that appellate counsel failed to meaningfully raise trial counsel's failures, omitted impeachment, omitted defense evidence, sentencing-due-process issues, venue/reassignment concerns, and broader constitutional unfairness.

Defendant recognizes that the direct appeal resulted in a remand for correction of the sentencing structure. That remand was important. However, Defendant contends that the

appeal addressed only a limited sentencing issue and did not meaningfully address the broader procedural defects, ineffective-assistance issues, omitted-evidence issues, probation-report issues, courthouse-bias concerns, police-bias concerns, and record-reliability problems Defendant believed should have been raised.

Defendant further contends that the omitted issues were not minor or collateral. They went to whether the jury and sentencing court were allowed to evaluate whether certain witnesses, residents, police-connected persons, courthouse-connected persons, or other participants were acting from bias, personal interest, outside influence, retaliation, financial motive, community pressure, or objectives unrelated to truthful reporting and fair adjudication.

Defendant contends that trial counsel failed to create the factual record necessary to test those issues. Counsel did not meaningfully develop whether certain reports, fear narratives, accusations, victim statements, police contacts, restitution-related claims, or mental-health labels were independent and reliable, or whether they reflected bias, repeated communications, selective reporting, provocation, personal interest, outside pressure, or a preexisting narrative against Defendant.

Defendant contends that appellate counsel should have recognized that these failures raised substantial ineffective-assistance issues. The problem was not merely that trial counsel lost certain evidentiary disputes. Defendant contends that trial counsel failed to investigate, organize, authenticate, preserve, and present the evidence necessary to challenge the prosecution's isolated-event narrative and to show why the defense theory required broader factual context.

Many of these issues depend on facts outside the appellate record, including what evidence Defendant gave counsel, what counsel refused to use, what counsel failed to ask Defendant, what investigation was requested, what protective relief was requested, what counsel said privately, why particular motions were not filed, what evidence was available but not authenticated, and whether appellate counsel meaningfully considered or pursued a habeas-based record.

For that reason, many counsel-related claims belong primarily in habeas corpus. However, for purposes of Penal Code section 1385, these issues still support the cumulative fairness argument because they show that the record before the Court remains incomplete and unreliable. Defendant contends that the Court should not treat the absence of these facts from the trial record as proof that the facts did not exist. Rather, Defendant contends that the absence of those facts is itself part of the problem: trial counsel failed to develop the

record, and appellate counsel did not meaningfully pursue the proper mechanism to develop it later.

Defendant requested independent appellate review or substitute/conflict-free appellate representation because he believed appellate counsel would not fairly evaluate or present the central issue: ineffective assistance of trial counsel. Defendant contends that the habeas issue is important only because many of trial counsel's failures require factual development outside the appellate record. The primary issue, however, is ineffective assistance of counsel: trial counsel failed to investigate, organize, authenticate, preserve, and present omitted defense evidence; failed to meaningfully impeach witnesses; failed to develop evidence of provocation, witness motive, police non-response, courthouse-contamination concerns, police-bias issues, sentencing defects, and procedural irregularities; and failed to address the jury-instruction problem that made the case practically unwinnable as framed, tried, and instructed.

Defendant contends that, without a workable instruction or legal framework allowing the jury to evaluate the prolonged provocation, setup pattern, witness motive, police non-response, absence of malice, and state-of-mind evidence, the jury was left to decide the prosecution's allegations as an isolated event. Defendant contends that his request for independent appellate review was denied or not meaningfully acted upon, leaving him without counsel willing to independently examine trial counsel's failures, challenge the incomplete record created below, raise ineffective-assistance issues, investigate extra-record facts, pursue any necessary habeas development, or address what Defendant contends was a broader breakdown in adversarial testing, procedural safeguards, record development, jury-instruction fairness, and meaningful appellate review.

Defendant does not ask this Court to find that appellate counsel acted with improper motive. The narrower concern is that Defendant contends he was denied genuinely independent review of trial counsel's conduct after requesting it.

Accordingly, Defendant contends that the appellate remand should not be treated as a finding that the broader fairness issues lack merit. Defendant contends that many of those issues were never meaningfully reviewed because trial counsel did not create the factual record, appellate counsel did not meaningfully challenge trial counsel's omissions, no meaningful habeas-based investigation was developed, and Defendant was left without conflict-free appellate review of the counsel failures that produced the incomplete record.

Nothing in this section is intended as an admission of guilt, liability, malice, intent, unlawful conduct, probation violation, victim contact, restitution noncompliance, or any uncharged allegation. Defendant raises these issues to explain the omitted defense

context, the incompleteness of the record, the need for reliable evidence, and why dismissal or strictly limited resentencing is warranted.

Nothing in this motion waives or abandons Defendant's right to pursue appropriate habeas corpus or other post-conviction relief based on matters requiring factual development outside the present record.

XIII. CUMULATIVE UNFAIRNESS SUPPORTS DISMISSAL IN FURTHERANCE OF JUSTICE

The Court should consider the combined effect of the following circumstances Defendant contends affected the fairness and reliability of the proceedings:

1. the narrow legal framing of the case as an isolated vandalism event;
2. the failure to present the broader history of provocation, property interference, selective reporting, stalking-group conduct, police/community influence, and repeated conflict;
3. the failure to present self-defense-adjacent context relevant to intent, malice, witness credibility, motive, state of mind, mitigation, and whether the prosecution could fairly prove the alleged conduct was malicious when viewed in full context;
4. the failure to meaningfully impeach witnesses concerning bias, motive, prior conduct, fear claims, communications, selective reporting, omitted conduct, financial interest, hostility, and provocation;
5. the failure to present available video evidence and the surrounding context Defendant contends the videos would have shown;
6. restitution demands, financial motive, claimed losses, insurance-related issues, and other potential witness interests that were not fully explored;
7. unsupported psychological labeling or lay opinions portraying Defendant as unstable, dangerous, mentally ill, or in need of control or institutionalization, without proper evidentiary foundation;
8. police non-response and the failure to document or meaningfully investigate Defendant's own complaints;
9. the movement of similar unsupported labels through police, community, witness, probation, courthouse-connected, and defense-counsel channels in a way that affected how Defendant was perceived, reported, defended, prosecuted, and sentenced;

10. Officer Charles Sean Dinse's influence, credibility, bias, police/community role, and the denied or undeveloped Pitchess issue;
11. courthouse-contamination concerns involving Debbie Wollman, including non-record mental-health characterizations, property-related conflict, venue concerns, and appearance-of-bias concerns;
12. judicial-intimidation, hostile-comment, appearance-of-bias, and one-sided-information concerns;
13. defense-counsel omissions, including the failure to meaningfully question Defendant, investigate, organize, authenticate, present, preserve, or develop the broader defense evidence;
14. trial counsel's failure to provide a lawful safety plan, protective relief, investigation, or meaningful assistance to help Defendant avoid rotating confrontations and additional accusations;
15. probation-report and sentencing-due-process problems, including alleged missed-check-in entries for dates when Defendant was still in custody;
16. later outside restitution/payment accusations, including Scroggins letters or demands that Defendant contends could be misused to imply probation noncompliance, improper contact, bad faith, or dangerousness;
17. off-record or untested police and prosecution allegations, including the disputed allegation involving Officer Dinse;
18. the limited scope of the direct appeal and sentencing remand;
19. Defendant's contention that appellate counsel did not meaningfully develop ineffective-assistance issues, police-record issues, witness-motive evidence, officer-bias issues, courthouse-contamination issues, venue issues, jury-instruction unfairness, or habeas-preserved claims;
20. the need to preserve extra-record ineffective-assistance, conflict, appellate-counsel, police-bias, courthouse-contamination, venue, jury-instruction, and officer-influence claims for habeas corpus review.

Even if no single issue alone requires dismissal, Defendant contends that the cumulative effect undermines confidence in the fairness and reliability of the proceedings. The sentencing remand corrected or addressed only the issue actually reached on appeal; it did not resolve whether the original trial and sentencing record was incomplete, one-sided,

or shaped by evidence, labels, assumptions, outside claims, and allegations that were never fairly tested.

In furtherance of justice, dismissal is warranted because Defendant contends that the trial and sentencing record did not fairly present the defense theory, did not meaningfully test the prosecution narrative, and did not give the jury or sentencing court the information necessary to evaluate the case reliably.

XIV. ALTERNATIVE REQUEST: LIMIT RESENTENCING AND REJECT NARRATIVE EXPANSION

If dismissal is denied, Defendant requests that resentencing be limited to the lawful scope of the appellate remand, including correction of the sentencing structure, separation of Count 002 and Count 003 into lawful sentencing components, application of all custody credits, recognition of time already served, recognition of supervision already completed, determination whether Count 003 is fully satisfied, and determination whether any further supervision remains lawful or necessary.

Defendant further requests assurance that he will not receive increased punishment, additional supervision, adverse findings, or a harsher resentencing outcome because he exercised his right to appeal or obtained a sentencing remand.

Defendant does not contend that every changed sentencing outcome after appeal is automatically retaliatory. Defendant contends, however, that resentencing must not be used to penalize Defendant for pursuing appellate review, obtaining correction of an unlawful sentencing structure, raising procedural concerns, or seeking relief through lawful court processes.

The Court should reject reliance on unrelated post-judgment allegations, police hearsay, vague community-fear claims, lay mental-health opinions, unsupported claims that Defendant is unstable or dangerous, public-nuisance labels, character attacks, courthouse rumor, informal LAPD opinions, neighborhood-watch-type or resident-reporting claims presented without disclosure of source and context, restitution pressure or private payment demands outside court, body-camera clips without full context, claims of dangerousness based on untested allegations, disputed claims involving Officer Dinse, and disputed claims of probation noncompliance where the underlying records conflict with verified custody, release, reporting, payment, or court records.

If the prosecution, probation department, or any other party seeks to rely on new alleged conduct, post-judgment events, police-associated assertions, Scroggins-related outside claims, restitution/payment accusations, alleged victim-contact claims, or any other outside allegation, Defendant requests advance notice, disclosure of all supporting

materials, a meaningful opportunity to respond, and a ruling on relevance and reliability before the material is considered.

Defendant further requests that the Court identify on the record the specific evidence and lawful sentencing considerations on which it relies, and that the Court decline to consider material that is speculative, hearsay-based, unverified, unrelated to the remand, or offered primarily to portray Defendant as dangerous, unstable, mentally ill, noncompliant, fixated, retaliatory, or of bad character.

At minimum, resentencing should remain a limited proceeding to correct the lawful sentencing issue identified on appeal, apply proper credits, determine what portions of the sentence or supervision have already been satisfied, determine whether any further lawful supervision remains necessary, and avoid reopening the case through new narrative expansion or punishment based on disputed allegations.

XV. CONCLUSION

For the reasons stated above, Defendant Kevin Perelman respectfully requests that the Court dismiss this matter pursuant to Penal Code section 1385 in furtherance of justice.

Defendant contends that the proceedings resulted in a materially incomplete, one-sided, and unreliable record. The defense did not meaningfully develop or present the evidence Defendant contends was necessary to evaluate witness bias, motive, provocation, police and community influence, unsupported mental-health labeling, intent, malice, mitigation, venue concerns, courthouse-bias concerns, sentencing fairness, and allegations and unsupported labels used to portray Defendant as dangerous, unstable, mentally ill, noncompliant, or malicious, without adequate testing of the source, context, motive, and reliability of those claims.

Defendant does not ask this Court to decide every disputed historical event, every ineffective-assistance claim, or every extra-record issue through this motion. Defendant asks the Court to recognize that the jury and sentencing court were not given a fair opportunity to evaluate the defense theory as a coherent whole, while adverse allegations, fear narratives, lay mental-health opinions, restitution-related claims, police-associated assertions, and character-based statements were permitted to shape the record without equivalent testing of contrary evidence.

Nothing in this motion is intended as an admission of guilt, liability, malice, intent, unlawful conduct, probation violation, victim contact, restitution noncompliance, or any uncharged allegation. Defendant raises these issues to explain the omitted defense context, the incompleteness of the record, the need for reliable evidence, and why dismissal or strictly limited resentencing is warranted.

Dismissal is therefore warranted in furtherance of justice.

Alternatively, if the Court declines dismissal, Defendant respectfully requests that resentencing be limited strictly to the lawful scope of the appellate remand. The Court should correct only the sentencing structure required by the remand; apply all lawful custody credits; recognize time served and supervision completed; determine whether any count, term, or supervision obligation has already been satisfied; and avoid any improper expansion of the proceedings beyond the remand.

Defendant further requests that the Court not rely on unrelated, uncharged, disputed, hearsay-based, mental-health, community-fear, police-contact, courthouse-rumor, restitution-payment, victim-contact, probation-related, public-nuisance, or character-based allegations unless the material is properly noticed, disclosed, reliably supported, relevant to a lawful resentencing issue, and subject to a meaningful opportunity for Defendant to respond.

Nothing in this motion waives or abandons Defendant's right to pursue appropriate habeas corpus or other post-conviction relief based on matters requiring factual development outside the present record.

DATED: _____

Respectfully submitted,

Kevin Perelman
Defendant In Pro Per

DECLARATION OF KEVIN PERELMAN

I, Kevin Perelman, declare as follows:

1. I am the defendant in Los Angeles Superior Court case number LA099813.
2. I make this declaration in support of my motion to dismiss pursuant to Penal Code section 1385 or, in the alternative, to strictly limit resentencing to the scope of the appellate remand.
3. I believe that the trial and sentencing record did not fairly present the full context of the case.
4. Nothing in this declaration is intended as an admission of guilt, liability, malice, intent, unlawful conduct, probation violation, victim contact, restitution noncompliance, or any uncharged allegation. I make this declaration to explain the

omitted defense context, the incompleteness of the record, the need for reliable evidence, and the reasons I request dismissal or a strictly limited resentencing.

5. I contend that the prosecution presented the charged allegations as isolated vandalism allegations, while the defense did not meaningfully present the broader history of provocation, harassment, property interference, vehicle vandalism, defacing, intimidation, threats, witness hostility, law-enforcement non-response, stalking-group conduct, unsupported mental-health labeling, and selective reporting that preceded and surrounded the allegations.

6. I contend that certain residents, neighborhood-watch or community-watch participants, stalking-group participants, and other persons were not merely reporting isolated events, but participated in a recurring pattern of monitoring, provoking, repeating fear-based characterizations, selectively documenting accusations, and encouraging police contact.

7. I do not contend that every resident, neighborhood-watch participant, police officer, or community member acted improperly. I contend that the defense should have been allowed to investigate whether repeated reports and fear narratives were independent and reliable, or instead reflected bias, repeated communications, selective reporting, provocation, stalking-group conduct, or efforts to obtain accusations, confrontations, or claimed reactions that could later be used against me.

8. I contend that I repeatedly attempted to report harassment, vehicle vandalism, property interference, threats, provocation, stalking-group conduct, and witness-related conduct, but that police either refused to take reports, refused to treat the complaints seriously, or failed to meaningfully investigate them.

9. I contend that this contributed to a one-sided record in which allegations against me were documented and used in court, while my complaints and the context relevant to the reliability of allegations against me were not meaningfully documented or presented.

10. I contend that evidence existed showing witness bias, motive, provocation, hostility, selective reporting, and attempts to create accusations, confrontations, or claimed reactions that could later be used against me.

11. I contend that witnesses and community members had motive to portray me as dangerous, unstable, or unwanted in the community, and that this motive was not meaningfully presented to the jury.

12. I contend that the prosecution and surrounding narrative portrayed me through unsupported dangerousness, mental-health, and public-nuisance labels, while evidence explaining the source of the conflict was excluded, minimized, or not meaningfully presented.

13. I contend that unsupported mental-health labels or informal characterizations were used to discredit me, even though there was no proper court finding, psychiatric evaluation admitted into evidence, expert testimony, or lawful evidentiary basis establishing that such speculation was relevant to the criminal case or resentencing.

14. I do not request, invite, or suggest any mental-health evaluation, competency inquiry, diversion proceeding, CARE Act referral, treatment proceeding, or psychiatric intervention. I raise this issue to object to unsupported mental-health speculation being used against me.

15. I contend that LAPD, witnesses, probation materials, and others repeatedly pushed events toward mental-health explanations instead of performing basic due diligence. By due diligence, I mean reviewing video, taking reports seriously, interviewing witnesses, examining property damage, documenting threats, testing competing accounts, and investigating the source of repeated accusations.

16. I contend that when I tried to report provocation, threats, property interference, stalking-group conduct, selective reporting, or efforts to generate accusations, those reports were discounted through unsupported mental-health labels before the evidence was fairly examined.

17. I contend that the unsupported labeling itself affected venue and fairness at the Van Nuys Courthouse. I contend that courthouse-connected perceptions of me were influenced by repeated mental-health and dangerousness labels rather than by evidence, lawful findings, or a fair review of the underlying facts. I further contend that this labeling contributed to a jaded judicial perception of me and interfered with my ability to receive a fair trial, fair sentencing, and fair review of my complaints and evidence.

18. I contend that Van Nuys court reporter Debbie Wollman had a personal or property-related connection to my residential environment and also had a courthouse-connected role. I contend that this created an appearance-of-bias and venue concern because the same unsupported mental-health labeling used outside court appeared to move into or around courthouse-connected circles.

19. I contend that Debbie Wollman made statements to me outside court suggesting that I needed to admit I suffered from mental illness. I contend that this interaction was captured on video. I further contend that if a courthouse-connected person with a personal/property-related connection to my residential environment repeated this type of labeling outward, it could affect how others at or connected to the Van Nuys Courthouse perceived me, my credibility, and my ability to receive fair proceedings.

20. I contend that trial counsel failed to meaningfully investigate, raise, or preserve the change-of-venue, reassignment, disqualification, or courthouse-contamination issues arising from the Van Nuys Courthouse environment, including the Debbie Wollman issue, the spread of unsupported mental-health labeling, and the appearance that I was being viewed through a preexisting negative narrative rather than through admissible evidence.

21. I contend that, during active trial proceedings, I recorded or retained approximately seventy or more videos showing Terrance Scroggins coming to my property and throwing, dropping, placing, or directing cards, papers, or similar materials onto or around the property, including onto or near my cat. I can identify and provide the videos, their dates, and any available original files or metadata. [See proposed Exhibit __.]

22. I contend that the Scroggins conduct was not limited to the trial period. I contend that there were hundreds of documented events on video before trial, cards and papers on my property during trial, and approximately eleven letters placed on my vehicle after sentencing. I contend that these events show a continuing pattern before, during, and after trial.

23. I contend that after sentencing, Terrance Scroggins placed approximately eleven letters on my vehicle. I contend that these communications stated that I was not paying restitution, even though I understood any restitution process to be handled through the court or lawful collection process. I further contend that the communications included derogatory, threatening, instigating, coercive, inflammatory, or reaction-seeking language.

24. I contend that Terrance Scroggins also drove to my father's office and delivered a letter there, bringing my family into his dispute with me and increasing the pressure outside the court process.

25. I contend that restitution and insurance-related issues, including matters involving USAA, were not fairly presented to show witness motive, financial motive, or bias.

26. I contend that Officer Charles Sean Dinse's conduct, statements, credibility, bias, and influence were relevant to the case and should have been meaningfully investigated, challenged, and presented.

27. I contend that the Pitchess issue relating to Officer Dinse was important because officer credibility, police-community influence, and a recurring pattern of provocation-related police conduct were central to the prosecution narrative.

28. I contend that counsel should have investigated Officer Dinse's connection to recurring claims of police misconduct, including federal lawsuits and the Rex Schellenberg matter, because those materials could have shown a recurring pattern relevant to officer bias, motive, credibility, police-community influence, and the manner in which Defendant was portrayed and reported.

29. I do not ask the Court to treat outside allegations involving Officer Dinse as proven merely because they exist. I contend that trial counsel should have investigated whether those allegations, if authenticated and admissible, bore on officer credibility, motive, bias, community influence, and the reliability of reports or narratives used against me.

30. I contend that, at sentencing, prosecutor Inga Orbelli presented or relied upon an allegation that I had followed Officer Charles Sean Dinse home and photographed him. I dispute that allegation. I contend that the allegation was especially prejudicial because it turned around the issue I had been trying to raise: whether Officer Dinse's credibility, bias, influence, and role in police/community reporting should have been investigated and tested.

31. I contend that, at the preliminary-hearing stage, Judge Stephen Marcus made a statement to the effect of, "My next step would be to squeeze you out of your house," which I understood as intimidating and personal.

32. I contend that this statement was relevant to the appearance of bias, venue, and fairness because it appeared to align with the same residential-displacement and public-nuisance narrative that had been built around me outside the courtroom.

33. I contend that on a trial day, the prosecutor informed my defense counsel that a person identifying himself or herself as an FBI agent wanted to speak with me. I did not speak with that person. I was not shown identification, told the purpose of the proposed contact, told the agency connection, or provided any report or communication generated from the attempted contact. I understood the timing and manner of the attempted contact as intimidating or as an attempt to obtain information outside the ordinary protections of counsel.

34. I contend that trial counsel failed to meaningfully investigate, organize, and present evidence of witness provocation, witness motive, neighborhood-watch or community-reporting influence, restitution pressure, property attacks, vehicle vandalism, police or community influence, police non-response, available video evidence, broader context, courthouse-bias concerns, psychological-labeling issues, police-bias issues, and change-of-venue issues.

35. I contend that trial counsel failed to meaningfully impeach key witnesses with evidence showing bias, prior conflict, financial motive, hostility, selective reporting, provocation, and inconsistent statements.

36. I contend that trial counsel failed to seek dismissal, mistrial, sanctions, protective orders, evidentiary hearings, change of venue, reassignment, disqualification, or other relief when prejudicial, biased, intimidating, or provocative events occurred in or around the courtroom.

37. I contend that I was never meaningfully questioned, interviewed, prepared, or developed by trial counsel as the source of the defense facts. Counsel did not meaningfully ask me to explain the full history, the sequence of events, the people involved, the available evidence, the videos, the prior reports, the provocation, the witness motives, the police non-response, the unsupported labels, or the factual basis necessary to challenge the prosecution's isolated-event narrative.

38. I contend that trial counsel's omissions left the prosecution's narrative effectively unopposed in the areas most important to the defense.

39. I contend that the direct appeal resulted in correction of a sentencing-structure issue but did not meaningfully resolve the broader fairness issues involving omitted evidence, ineffective assistance, police or community influence, witness bias, psychological labeling, courthouse-bias concerns, venue concerns, and sentencing reliability.

40. I contend that the jury-instruction problem was central to the unfairness of the trial. As the case was framed, tried, and instructed, the jury was not given a workable way to evaluate the broader defense theory, including prolonged provocation, witness motive, police non-response, selective reporting, absence of malice, and state-of-mind evidence. Without a workable instruction or legal framework, the jury was left to decide the prosecution's allegations as though they were an isolated event.

41. I contend that the case could not be fairly won as framed, tried, and instructed because the standard legal framework did not allow the jury to meaningfully

evaluate the prolonged provocation, reporting pattern, witness motive, police non-response, and absence-of-malice issues that were central to the defense.

42. I contend that the primary appellate problem was ineffective assistance of trial counsel. Habeas corpus is important because many of trial counsel's failures require factual development outside the appellate record. The primary issue, however, is that trial counsel failed to investigate, organize, authenticate, preserve, and present omitted defense evidence; failed to meaningfully impeach witnesses; failed to develop evidence of provocation, witness motive, police non-response, courthouse-contamination concerns, police-bias issues, sentencing defects, procedural irregularities, and jury-instruction unfairness; and failed to address events that should not have occurred in a fair proceeding.

43. I contend that many of these issues may require factual development through habeas corpus, but they are also relevant to this Court's exercise of discretion under Penal Code section 1385.

44. I contend that I was not given a meaningful opportunity before sentencing to review, correct, or challenge probation reports, sentencing materials, outside claims, hearsay allegations, witness statements, or false accusations.

45. I contend that there was no meaningful probation interview or meaningful chance to present mitigation, context, corrections, or supporting records before sentencing.

46. I contend that the first two alleged probation-reporting or check-in entries were recorded for dates when I was in custody. Because I was incarcerated on those dates, I could not report in the community as stated.

47. I can provide or request custody, booking, release, court-minute, and probation records establishing the relevant dates. [See proposed Exhibit __.]

48. I requested independent appellate review or substitute appellate representation because I believed appellate counsel would not fairly evaluate or present the central issue: ineffective assistance of trial counsel.

49. I contend that appellate counsel did not meaningfully raise the broader issues identified in this declaration, including issues reflected in the transcripts, ineffective-assistance issues, jury-instruction unfairness, courthouse-contamination concerns, police-bias issues, venue concerns, and issues requiring extra-record factual development.

50. I contend that the Public Defender's Office refused or failed to assign substitute or conflict-free appellate counsel despite my request.

51. I contend that the denial or failure to provide independent appellate review left me without counsel willing to independently examine trial counsel's failures, challenge the incomplete record created below, raise ineffective-assistance issues, investigate extra-record facts, pursue any necessary habeas development, or address what I contend was a broader breakdown in adversarial testing, procedural safeguards, record development, jury-instruction fairness, and meaningful appellate review.

52. My references to videos, letters, police contacts, reports, court proceedings, and communications are based on my personal observations, my own records, recordings, materials received by me, or proceedings I personally attended, except where I expressly identify information as something reported to me by another person.

53. I am concerned that resentencing may be expanded beyond the appellate remand through unrelated allegations, police contacts, hearsay, community-fear claims, courthouse rumor, restitution-related claims, probation-related claims, or mental-health speculation.

54. I request dismissal in furtherance of justice because I contend the proceedings were materially incomplete, one-sided, and unreliable. I further contend that, as the case was framed, tried, and instructed, the jury was not given a workable way to evaluate the broader defense theory, including provocation, witness motive, police non-response, unsupported mental-health labeling, selective reporting, my state of mind, and whether the conduct alleged by the prosecution was malicious when viewed in full context. I do not make this declaration as an admission of the prosecution's allegations.

55. If the Court declines dismissal, I request that resentencing be limited strictly to the appellate remand, sentence correction, credits, time served, completed supervision, and lawful remaining sentence only.

56. I request that the Court not consider unrelated post-judgment allegations unless they are properly noticed, authenticated, supported by reliable evidence, legally relevant, and subject to a meaningful opportunity to respond.

57. I request leave to submit a supplemental declaration or authenticated exhibits identifying relevant dates, recordings, documents, transcript pages, custody records, correspondence, and other supporting materials if the Court considers any disputed factual issue material to its ruling.

58. I make this declaration in good faith to protect my right to due process and a fair resentencing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 2026, at _____, California.

Kevin Perelman
Defendant In Pro Per

